

REMARKS

I. Introduction

Claims 9 to 16 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

II. Objection to the Specification

With the Preliminary Amendment, dated May 17, 2001, Applicants have previously amended the abstract of the disclosure to remove "The present invention . . ."

III. Objection to the Drawings

Applicants have amended the Drawings to obviate the objection raised. No new matter has been added. Withdrawal of this objection is therefore respectfully requested.

IV. Rejection of Claims 9 to 16 Under 35 U.S.C. § 103(a)

Claims 9 to 11, 13, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,400,254 ("Yamamoto"). Applicants respectfully submit that Yamamoto does not render unpatentable the present claims for the following reasons.

To establish a prima facie case of obviousness, the Office Action must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every

limitation in the claim under examination. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

Claim 9 recites, inter alia, the following:

a corresponding external electronic enabling device insertable into the recognition device . . . forceable from one position into another position, in which an elastic restoring force is applicable for returning the corresponding external electronic enabling device in a direction of the one position . . . being forceable in a releasable and lockable manner into the one position . . . an actuating device . . . for detecting the corresponding external electronic enabling device in the one position and the another position.

1 { Yamamoto does not teach or suggest a device that is insertable such that it is forceable from one position into another position, is returned to the one position by an elastic restoring force, is forceable in a releasable and lockable manner into the one position, and is detected in the one position and in the another position by an actuating device.

2 { The Office Action asserts that push detecting switch 98 of Yamamoto teaches the recited actuating device. Although push detecting switch 98 may detect that an operating knob 40 has been pushed, nowhere does Yamamoto teach or suggest that the push detecting switch 98 detects operating knob 40 in two positions. For example, nowhere does Yamamoto disclose that the push detecting switch 98 detects operating knob 40 in a position before a push and in a position after a push. Thus, Yamamoto does not teach or suggest an actuating device for detecting an enabling device in a one and in an another position.

Furthermore, nowhere does Yamamoto teach or suggest a device that is forceable in a releasable and lockable manner into the one position, and that is also returnable to the one position by an elastic restoring force. Yamamoto may discuss a lock that prevents operating knob 40 from being turned to the right.

3 { However, Yamamoto does not teach or suggest an elastic restoring force that is applicable for returning the operating knob 40 to the left. The Office Action asserts that since Yamamoto discusses a lock that prevents the operating knob from being turned to the right, it would have been obvious to include an elastic restoring device to return the operating knob 40 to the left. However, Yamamoto discusses a lock configuration in which a spring 90 acts upon the operating knob to prevent it from

being pushed forward. This is a lock that prevents the operating knob 40 from being turned to the right. Nowhere does Yamamoto suggest a desire for an elastic restoring force applicable once the operating knob 40 is pushed forward, to return the operating knob 40 from the right to the left-most position. Furthermore, although Yamamoto may discuss a spring 90 that applies a force in a direction opposite to a push of operating knob 40, nowhere does Yamamoto discuss a lock such that electronic key 60 is insertable in a releasable and lockable manner into the position before the push of operating knob 40. Thus, nowhere does Yamamoto teach or suggest a device that is insertable in a releasable and lockable manner into a one position, such that an elastic restoring force is applicable to the device for returning the device to the one position.

Thus Yamamoto does not teach or suggest each limitation of claim 9. It is therefore respectfully submitted that Yamamoto does not render unpatentable claim 9.

As for claims 10, 11, 13, and 16 which ultimately depend from claim 9 and therefore include each limitation of claim 9, it is respectfully submitted that Yamamoto does not render unpatentable these dependent claims for at least the same reasons given above in support of claim 9. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Claims 12, 14, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Yamamoto and U.S. Patent No. 4,149,394 ("Sornes"). Applicants respectfully submit that the combination of Yamamoto and Sornes does not render unpatentable the present claims for the following reasons.

Claims 12, 14, and 15 ultimately depend from claim 9 and therefore include all the limitations of claim 9. As set forth above, Yamamoto does not disclose, or even suggest, all of the limitations of claim 9. Accordingly, without passing judgment on the merits of the Office Action's assertions regarding the limitations of claims 12, 14, and 15, it is respectfully submitted that the combination of Yamamoto and Sornes does not render does not render unpatentable claims 12, 14, and 15, by virtue of these claims' dependence on allowable claim 9.

V. Conclusion

In light of the foregoing, it is respectfully submitted that all pending claims 9 to 16 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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